

BEFORE THE

SEP 12 1994

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Equal Access and Interconnection)	CC Docket No. 94-54
Obligations Pertaining to)	RM-8012
Commercial Mobile Radio Services)	

**COMMENTS OF
THE SOUTHERN COMPANY**

The Southern Company ("Southern"), by its attorneys and pursuant to Section 1.415 of the Federal Communication Commission's Rules, submits these Comments in response to the Notice of Proposed Rule Making and Notice of Inquiry ("Notice" and "NOI") released July 1, 1994 in the above-captioned proceeding.^{1/}

STATEMENT OF INTEREST

1. Southern is a licensee of numerous Specialized Mobile Radio ("SMR") stations throughout Alabama, Georgia, the panhandle of Florida and southeastern Mississippi.^{2/} As

^{1/} Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Services, CC Docket No. 94-54, RM-8012, Notice of Proposed Rule Making and Notice of Inquiry, FCC, 94-45 (released July 1, 1994), Order Extending Comments to September 12, 1994 and Reply Comments to October 13, 1994, released August 11, 1994.

^{2/} Southern is an electric utility holding company which wholly owns the common stock of five electric utility (continued...)

a wide-area, interconnected SMR licensee, Southern's SMR system falls within the definition of a Commercial Mobile Radio Service ("CMRS") provider as set forth in the Omnibus Budget Reconciliation Act of 1993 ("Budget Act"). Southern anticipates at some point in the future being able to provide equal access to the interexchange carriers ("IXCs") for its subscribers. Additionally, Southern believes that interconnection with other wide-area SMR licensees, although a complex issue, is in the public interest. However, caution must be used when promulgating rules for these services because of the complex technical issues involved and the prospect of unnecessary costs for CMRS providers, especially existing SMR licensees. Accordingly, Southern has an interest in the outcome of this proceeding, and is pleased to submit the following Comments for the Commission's consideration.

2/(...continued)

operating companies, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Savannah Electric and Power Company, and a system service company, Southern Company Services, Inc., which together operate an integrated electric utility system which serves over 11 million consumers in a contiguous area of 122,000 square miles, including most of the State of Alabama, almost all of the State of Georgia, the panhandle of Florida, and 23 counties in southeastern Mississippi. Southern is in the process of improving its mobile radio communications and is implementing a wide-area digitally enhanced 800 MHz system.

COMMENTS

2. Southern generally supports the concept of equal access and interconnection for Commercial Mobile Radio Services ("CMRS") and recognizes the potential benefit that these offerings can provide to subscribers of CMRS systems. For example, Southern understands that it is in the public interest to allow subscribers of CMRS to have an option in choosing their long distance carriers. As a general matter, such option promotes competition among the long distance carriers. Southern also understands that interconnection obligations create access to network services and roaming capability for subscribers.

3. Southern applauds the Commission's efforts to create these benefits for subscribers to CMRS. Nevertheless, Southern cautions the Commission not to move too hastily on these proposals without fully considering the potential costs and technical requirements associated with implementation of these services for wide-area SMR licensees.

I. CMRS-to-CMRS Interconnection Obligations Should Be Carefully Examined

A. Service-by-Service Approach is the Only Feasible Approach at this Time

4. In the NOI portion of this proceeding, the Commission questions whether interstate interconnection requirements would foster growth of diverse and competitive mobile services.^{3/} Specifically, the Commission inquires whether it is necessary to require CMRS providers to provide interstate interconnection to other CMRS providers.

5. At this stage, the technical requirements to implement CMRS-to-CMRS interconnection obligations are unknown. What is known is that this question is very technically complex. Wide-area, digital SMR systems are still in their developmental stages. Until deployed, how a fully-integrated, wide-area, digital SMR systems will operate and compete with other CMRS services remains uncertain. As such, the technical implications, potential costs and burdens involved in wholesale CMRS-to-CMRS interconnection are difficult to predict. For this reason, Southern recommends that the Commission at this time only consider interconnection obligations on a service-by-

^{3/} NOI at 51.

service basis. This will allow the Commission to first address the variations in each of the mobile services before considering imposing industry-wide CMRS interconnection obligations. In this NOI, Southern recommends that the Commission defer proposing total CMRS-to-CMRS interconnection obligations until the cellular, SMR and Personal Communications Service markets are fully deployed. At most, the FCC should consider only service-by-service interconnection obligations.

B. SMR-to-SMR Interconnection Obligations
Must Encompass Roaming Agreements

6. One area that the Commission should consider with regard to SMR-to-SMR interconnection is the need for digital, wide-area SMR licensees to enter into roaming agreements. In the cellular arena, the FCC designated standard control channels throughout the United States which allow a subscriber to access the network of any cellular system in a given market. These control channels are universal and allow a subscriber to "roam" from one cellular service area to another with the same handset without disruption or delay in obtaining service.

7. Under the 800 MHz SMR frequency allocation plan, there are no designated frequencies for control channels.

Each SMR licensee individually licenses its system and designates which frequency will be the control frequency to access the network. Therefore, when an SMR subscriber attempts to roam between SMR markets with different providers, the customer may not be able to use the handset in the entering market unless prior agreements have been negotiated among the SMR system operators. If customers want the flexibility to "roam" nationwide, the problem of coordinating roaming arrangements becomes significantly more complex.

8. It is possible, for example, that without regulations mandating standard provisions in roaming agreements whereby SMR licensees will designate and disclose the control frequencies for access to each other's network, that certain SMRs could unreasonably refuse to allow other SMR's customers access to their systems, thus foreclosing roaming capabilities for non-subscribers of their systems. This could have the effect of stifling competition, contrary to the goal of regulatory parity.

9. Southern urges the FCC to address how nationwide roaming can be achieved as part of its consideration of SMR-to-SMR interconnection requirements. Unlike the cellular service, no consideration was given to this issue when the

SMR rules were originally adopted. Furthermore, since all SMR systems are licensed on distinct, site-by-site frequencies, it becomes exponentially more complicated to find and select a common control frequency (or frequencies) among all SMR licensees.

10. Southern recognizes the complexity involved in this process. One approach that Southern recommends is that the Commission consider allocating additional 800 MHz spectrum for SMR control frequencies nationwide when it further reviews licensing of Expanded Mobile Service Providers in PR Docket No. 93-144.^{4/} Although this is a complicated undertaking, nevertheless, it may be the only reasonable option available to achieve interconnection among SMR licensees which assures roaming capability for subscribers, an important aspect of interconnection.

^{4/} Amendment of Part 90 to Facilitate Future Development of Wide-Area SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, Notice of Proposed Rule Making, 58 Fed. Reg. 33062 (June 15, 1993). Other technical issues which need to be addressed such as a universal channel for talk around capability could also be considered in this proceeding.

II. The Commission Should Carefully Evaluate the Potential Costs to CMRS Providers Before Implementing Equal Access Requirements

11. The Commission has determined that it has authority under Section 201 of the Communications Act to impose equal access obligations on CMRS providers, and that doing so is in the public interest. Southern does not dispute that equal access provisions will provide some benefit to the public. Southern questions whether these benefits outweigh the potential costs and burdens to CMRS providers, especially for existing, operational SMR providers.

12. Imposing such burdens on existing SMR systems and on pre-engineered but unconstructed SMR systems will affect the current business and technical plans of these licensees. Southern urges the Commission to avoid disruption to existing SMR operations and investment for planned systems merely for the sake of creating the appearance of regulatory parity.

13. Southern believes that it may technically feasible to meet equal access requirements on its wide-area SMR system at some time, but it does not believe that immediate implementation of such a requirement is feasible.

Accordingly, Southern agrees with the Commission's statements in the Notice that SMR licensees lack market power and experience in the commercial provision of mobile services, and that caution requires no imposition of equal access regulations until the Commission fully understands the economic consequences and technical implications of such action.^{5/}

CONCLUSION

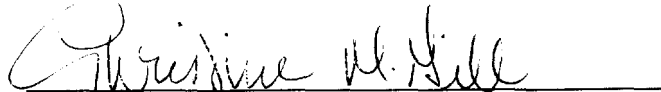
14. The Commission must proceed with caution in this endeavor. The issues involved are technically complex, and far too many existing CMRS systems will run the risk of unnecessary costs and burdens to meet regulatory parity requirements, which will lead to higher costs to the public. Southern urges the Commission to carefully consider all ramifications of its proposed rules and these Comments before adopting a new rulemaking proceeding on interconnection. Perhaps this decision can best be made once full deployment of all CMRS has occurred.

^{5/} Notice at 23.

WHEREFORE, THE PREMISES CONSIDERED, The Southern Company respectfully requests that the Commission act upon its Notice of Proposed Rule Making and Notice of Inquiry in a manner consistent with the views expressed herein.

Respectfully submitted,

THE SOUTHERN COMPANY

A handwritten signature in cursive script, appearing to read "Christine M. Gill", is written over a horizontal line.

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